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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**NOTICE OF HEARING RE USACM
LIQUIDATING TRUST'S MOTION
TO WITHDRAW THE MOTION TO
ALLOW IN PART PROOF OF
CLAIM NO. 10725-01212 IN THE
AMOUNT OF \$747,243 BY JAY E.
HENMAN RETIREMENT
PLAN; AND OBJECTION IN PART
TO PROOF OF CLAIM NO. 10725-
01212 IN THE AMOUNT OF \$747,243
BY JAY E. HENMAN RETIREMENT
PLAN AND CERTIFICATE OF
SERVICE**

Date of Hearing: November 15, 2011
Time of Hearing: 9:30 a.m..

**THE USACM LIQUIDATING TRUST FILED A MOTION TO WITHDRAW
ITS MOTION TO ALLOW IN PART PROOF OF CLAIM NO. 10725-01212 FILED
BY JAY E. HENMAN RETIREMENT PLAN AND FILED ITS OBJECTION IN
PART TO PROOF OF CLAIM NO. 10725-01212 IN THE AMOUNT OF \$747,243
BY JAY E. HENMAN RETIRMENT PLAN. THE USACM TRUST SEEKS TO
DISALLOW A PART OF CLAIM NO. 10725-01212.**

**PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY
COURT TO DISCUSS THE MERITS OF YOUR CLAIM. ADDRESS QUESTIONS**



1 **REGARDING THE CLAIM TO UNDERSIGNED COUNSEL, JOHN**
2 **HINDERAKER (520-629-4430).**

3 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and
4 through its counsel, has filed its Motion to Withdraw the Motion to Allow In Part Proof of
5 Claim No. 10725-01212 in the amount of \$747,243 by Jay E. Henman Retirement Plan;
6 and Objection In Part to Proof of claim No. 10725-01212 by Jay E. Henman Retirement
7 Plan (with Certificate of Service) (the “Objection”). The first page of your Proof of Claim
8 as required by Nevada LR 3007, is attached to the Objection as **Exhibit A**. The USACM
9 Liquidating Trust has requested that this Court enter an order, pursuant to section 502 of
10 title 11 of the United States Code (the “Bankruptcy Code”) and Rule 3007 of the Federal
11 Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), disallowing your Proof of
12 Claim in part.

13 **NOTICE IS FURTHER GIVEN** that the hearing on the Motion and Objection
14 will be held before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the
15 Foley Federal Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las
16 Vegas, Nevada on **November 15, 2011, at the hour of 9:30 a.m.**

17 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON**
18 **NOVEMBER 15, 2011, WILL BE HELD FOR THE PURPOSE OF STATUS**
19 **CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**
20 **ARGUMENTS WILL BE HEARD ON THAT DATE.**

21 **NOTICE IS FURTHER GIVEN** that pursuant to Local Rule 9014(d), any
22 response to the objection must be filed and service must be completed no later than
23 **fourteen (14) days** preceding the hearing date. The opposition must set forth all relevant
24 facts and any relevant legal authority.



If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

DATED this 7th day of October, 2011.

LEWIS AND ROCA LLP

By /s/ John Hinderaker (#18024)

Robert M. Charles Jr. NV 6593

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Attorneys for the USACM Liquidating Trust

Copy of the foregoing mailed by first class

Postage prepaid U.S. mailed on

October 7, 2011 to:

Jay E. Henman Retirement Plan

c/o Jay E. Henman Trustee

1023 Ridgeview Court

Carson City, NV 89705-8054

LEWIS AND ROCA LLP

/s/ Marie Mancino

Marie Mancino